

REMARKS

Status of Claims

Claims 1 and 12 are amended.

Claims 8 – 11 are cancelled without prejudice.

Claims 20 – 31 are new.

Amendments to claims 1 and 12 are supported at least at the following portion of the specification:

These filters are followed by the same number of means $12_1, 12_2, \dots, 12_P$ to estimate the energy (or amplitude) of the filtered signals and a circuit 13 capable of determining, in each of the N groups of signals, which signal has the greatest energy (or amplitude). The circuit 13 has N outputs s_1, s_2, \dots, s_N ***each emitting the rank of the signal with the greatest energy.*** These outputs are connected to N code tables $14_1, 14_2, \dots, 14_N$ which makes it possible to retrieve the N codes corresponding to these N ranks and emit the N corresponding data blocks B_1, B_2, \dots, B_N . The receiver is completed by a parallel-serial converter type circuit 15, which reproduces, on a main output S , the transmitted data (in m bits). [specification, p. 10, ll. 4 – 17, emphasis added]

Accordingly, such amendments to claims 1 and 12 do not add new matter.

Interview Summary

Assignee's representative conducted a telephonic interview with Examiner on February 1, 2007 to discuss proposed amendments to claims 1 and 12. In particular, Assignee's representative and Examiner discussed how the specification may satisfy the written description requirement for making such amendments, and that no new matter may be added by such amendments. Assignee thanks Examiner for courtesies extended in the telephonic interview.

Claim Rejections

Written Description Requirement

Examiner rejected claims 1, 8 and 12 under 35 USC § 112, first paragraph, asserting that these claims do not meet the written description requirement. This rejection is respectfully traversed.

Regarding claim 1, the phrase “and a rank of the signals according to energy or amplitude, or combinations thereof” has been deleted. Accordingly, Assignee respectfully submits that claim 1 now meets the written description requirement and requests withdrawal of this rejection with respect to claim 1.

Claim 8 has been cancelled. Accordingly, this rejection as to claim 8 is now moot.

Regarding claim 12, Assignee respectfully points out that the limitations “the N data blocks corresponding to signals ranked according to energy or amplitude, or combinations thereof” are supported at least at page 10 of the specification, lines 4 – 17, which is quoted above. Accordingly, Assignee respectfully submits that claim 12 complies with the written description requirement and requests withdrawal of this rejection as to claim 12.

Obviousness

Examiner rejected claims 1 – 19 as being made obvious by U.S. Patent No. 6,320,842 to Mochizuki (the “842 patent”) in view of U.S. Patent Publication No. 2002/0186651 (the “651 publication”) under 35 USC § 103(a). This rejection is respectfully traversed.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or

in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). MPEP § 2142.

The '842 patent appears to show at Fig. 10 a receiver for processing a spread spectrum signal. However, the '842 patent does not disclose, suggest or make obvious data blocks being *ranked according to energy or amplitude* of associated portions of a received signal as provided in claim 1. The '651 publication, appearing to show an M-ary orthogonal keying system, does not make up for the deficiencies of the '842 patent in meeting these limitations. Accordingly, Assignee respectfully submits that claim 1, and claims 2 - 7, 16, 17 and 18 depending therefrom, distinguish over any purported combination of the '842 patent and the '651 publication, and respectfully requests withdrawal of rejection of claims 1 - 7 under 35 USC § 103(a).

Claims 8 - 11 have been withdrawn. Accordingly, rejection of these claims under 35 USC § 103(a) is now moot.

Claims 12 - 15 and 19 include limitations similar to those in claim 1 which are discussed above. Accordingly, Assignee respectfully submits that these claims are not made obvious by any purported combination of the '842 patent and the '651 publication, and respectfully requests withdrawal of rejection of claims 12 - 15 and 19 under 35 USC § 103(a).

New claims 20 - 31 include limitations similar to those in claim 1 which are discussed above. Accordingly, Assignee respectfully submits that claims 20 - 31 distinguish over any purported combination of the '842 patent and the '651 publication

It is noted that claimed subject matter may be patentably distinguished from the cited documents for additional reasons; however, the foregoing is believed to be sufficient. Likewise, it is noted that the Assignee's omission to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions. For example, Assignee does not agree or acquiesce to Examiner's position as to whether there is any suggestion to combine the cited documents or whether there would be any reasonable expectation of success from making such a combination.


CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. However, if the Examiner finds an reason why this application is not in condition for allowance, Applicants request that the Examiner contact the undersigned attorney by telephone at (310) 541-7832 to discuss the application.

Respectfully submitted,

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